

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/892,092	07/14/97	YAMAGAMI	T 35.G1994

005514 LM01/0609  
FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK NY 10112-3801

EXAMINER

WHITE, M

ART UNIT	PAPER NUMBER
2712	b

DATE MAILED: 06/09/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. 08/892,092	Applicant(s) Yamagami
Examiner Mitchell White	Group Art Unit 2712

Responsive to communication(s) filed on Jun 4, 1999

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-20 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been  received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers filed on 7/19/96 purporting to comply with the requirements of 35 U.S.C. 119(a)-(d) and they have been placed of record in the file.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "is disclosed," etc.

### *Claim Objections*

3. Claim 11 is objected to because of the following informalities: The term device is

misspelled "deice". Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371C of this title before the invention thereof by the applicant for patent.

5. **Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuba et al. (US 5,806,072).**

Regarding claim 1, Kuba et al. discloses a memory card which may store image data (col. 4, line 67 - col. 5, line 4) and store user attribute information in a file and set the user attribute according to a computer (col. 28, lines 53-67).

Regarding claim 2, Kuba et al. discloses a memory card which may store user attribute information and set the user attribute according to a computer (col. 28, lines 53-67).

Regarding claim 3, Kuba et al. discloses a memory card which may store user attribute information and add the user attribute data to respective files according to a computer (col. 28, lines 53-67).

Claim 4 is considered substantively equivalent to claim 1.

Claim 5 is considered substantively equivalent to claim 2.

Claim 6 is considered substantively equivalent to claim 3.

Regarding claim 7, Kuba et al. discloses a memory card which may store image data (col. 4, line 67 - col. 5, line 4) and store user attribute information in a file and set and change the user attribute according to a computer (col. 28, lines 53-67).

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Regarding claim 8, Kuba et al. discloses adding attribute information using the computer and the storage medium (col. 28, lines 53-67).

Regarding claim 9, Kuba et al. discloses controlling the camera, inputting attribute information and outputting signal for setting attribute information (col. 28, lines 53-67).

Regarding claim 10, Kuba et al. discloses a memory card with a format that conforms to that of a computer (col. 4, lines 44-56).

Regarding claim 11, Kuba et al. discloses generating attribute data to an image, holding the attribute information in a file, and adding the attribute information to the image information using a computer (col. 28, lines 53-67) using automatic selection (col. 28, lines 19-29).

Regarding claim 12, Kuba et al. discloses using a computer to store attribute information to a file (col. 28, lines 53-67).

Regarding claim 13, Kuba et al. discloses generating attribute data to an image, holding the attribute information in a file, and adding the attribute information to the image information using a computer (col. 28, lines 53-67) using automatic selection (col. 28, lines 19-29). Switches are used to set modes for a photographic recording (col. 30, lines 17-34). Attribute information is checked for a designated file when file is found it is read out (col. 37, lines 34-52).

Regarding claim 14, Kuba et al. discloses a generating attribute data to an image, holding the attribute information in a file, and adding the attribute information to the image information using a computer (col. 28, lines 53-67) using automatic selection (col. 28, lines 19-29). Switches are used to set modes for a photographic recording (col. 30, lines 17-34).

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Regarding claim 15, Kuba et al. discloses a generating attribute data to an image, holding the attribute information in a file, and adding the attribute information to the image information using a computer (col. 28, lines 53-67). Attribute information is checked for a designated file when file is found it is read out (col. 37, lines 34-52).

Regarding claim 16, Kuba et al. discloses a memory card which may store image data (col. 4, line 67 - col. 5, line 4), generating attribute data to an image, holding the attribute information in a file, and adding the attribute information to the image information using a computer (col. 28, lines 53-67) using automatic selection (col. 28, lines 19-29). Attribute information is checked for a designated file when file is found it is read out (col. 37, lines 34-52).

Regarding claim 17, Kuba et al. discloses a memory card which may store image data (col. 4, line 67 - col. 5, line 4), generating attribute data to an image, holding the attribute information in a file, and adding the attribute information to the image information using a computer (col. 28, lines 53-67) using automatic selection (col. 28, lines 19-29). Attribute information is checked for a designated file when file is found it is read out (col. 37, lines 34-52).

Regarding claim 18, Kuba et al. discloses generating attribute data to an image, holding the attribute information in a file, and adding the attribute information to the image information using a computer (col. 28, lines 53-67).

Regarding claims 19-20, Kuba et al. discloses a memory card which may store image data (col. 4, line 67 - col. 5, line 4), generating attribute data to an image, holding the attribute information in a file, and adding the attribute information to the image information using a

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computer (col. 28, lines 53-67) using automatic selection (col. 28, lines 19-29). Attribute information is checked for a designated file when file is found it is read out (col. 37, lines 34-52).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5399 (for informal or draft communications, please label  
“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II  
2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitchell White whose telephone number is (703) 305-8155. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

MLW

June 4, 1999

*Wendy Garber*  
Wendy Garber  
Supervisory Patent Examiner  
Technology Center 2700